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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,381	06/09/2000	Raman K. Rao	Rao-012	2673

7590 05/28/2003
Stephen E Baldwin
751 Laurel St PMB 621
San Carlos, CA 94070

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 05/28/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

TB

Office Action Summary

Application No.
09/591,381

Applicant(s)

Rao

Examiner
Naghmeh Mehrpour

Art Unit
2683



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 20, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-2, 5-6, 12,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Levac (US Patent Number 6,363,249).

Regarding **Claims 1, 5, 12,** Levac teaches a wireless communication and control system including a device comprising 10: central server 14 means for storing (col 6 lines 52-55) communication protocols and control protocols 54 (col 3 lines 40-59), means for communicating the communication protocols 58 and selectively communicating the control protocols between the wireless device 18d, 18c, and the central server 14 means (col 5 lines 13-25 lines 40-50), communication protocol means for configuring the system for communication (col 5 lines 25-39), a control protocol means for configuring the system as one of a selection of intelligent appliance controllers (col 6 lines 21-31), and a control protocol means for alternately configuring the system as one of a selection of Internet terminals (col 3 lines 1-9). Levac fails to teach a wireless communication and control system including a wireless device. However a wireless communication device that includes a central server is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to use above teaching to Levac, in order to enhance the message information delivery efficiency of the a

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wireless message communication system while allowing flexible handling of varying data configurations and formats for subscriber units.

Regarding **claims 2, 6**, Levac teaches a wireless communication system wherein the wireless device comprises a hand-held computing device (see figure 5 numeral 18c).

3. **Claims 3-4, 7-11**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Levac (US Patent Number 6,363,249) in view of Houde et al. (US Patent 5,905,958).

Regarding **claims 3-4, 7-8, 11**, Levac fails to teach wherein the wireless device 10 comprises a wireless computing device is cellular phone. However Houde teaches a hand-held computing device that is cellular phone (See figure 1, numeral 30 col 3 lines 10-19). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to use above teaching of Houde to Levac, in order to enhance wireless communication system for the purpose of providing more convenient cell phone for users.

Regarding **claims 9-10**, Levac fails to teach that a system where the mobile device is an IP based telephone, and an intelligent appliance. However Houde teaches a system where the mobile device is an IP 30 based telephone (see figure 3, col 4 lines 45-52), and intelligent appliance (col 3 lines 24-33, col 6 lines 29-39). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to use above teach to Levac, in order to achieve an efficiency, reduce the cost and provide more feasible wireless system with allowing intelligent wireless telephone device communicates with central server.

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Response to Arguments

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications indented for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

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If attempt to reach the examiner are unsuccessful the examiner's supervisor, William
Trost can be reached (703)308-5318.

NM

May 12, 2003


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600